

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 121 are pending in the application. Currently, claims 1 - 64 stand rejected and claims 65 - 121 stand withdrawn from consideration as being directed to a non-elected invention.

By the present amendment, non-elected claims 65 - 121 have been cancelled without prejudice. Further, claim 1 has been amended to include the subject matter of cancelled claim 8; claims 9 - 41 have been amended to depend from new claim 122; and claim 42 has been amended.

In the office action mailed September 2, 2004, claims 8, 15, 34, 35, and 42 - 64 were rejected under 35 U.S.C. 112, second paragraph as being indefinite; claims 1 - 16, 23 - 25, and 35 - 41 were rejected under 35 U.S.C. 101 as being non-statutory; claims 1 - 17, 21, 22, 35, 36, 42 - 45, and 61 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,366,682 to Hoffman et al. in view of U.S. Patent No. 5,731,575 to Zingher et al.; claims 18 - 20, 23, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al. in view of Zingher et al. and further in view of U.S. Patent No. 5,883,810 to Franklin et al.; and claims 25 - 34, 37 - 41, 46 - 60 and 62 - 64 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al. in view of Zingher et al. and further in view of U.S. Patent No. 5,946,386 to Rogers et al.

The foregoing rejections are traversed by the instant response.

The present invention relates to a method for carrying out personal transactions. The method broadly comprises the steps of

providing a system for performing the personal transactions and registering a user of the system. The registering step further comprises the user accessing the system and providing the system with personal information. The registering step further comprises selecting an identification number for the user and creating a PIN number by selecting a plurality of single digit numbers to act as a first segment of the PIN number and selecting at least one additional digital number to serve as a second security segment of the PIN number.

The present invention also relates to a system for carrying out personal transactions. The system broadly comprises a computer network for carrying out financial transactions, e-mail transactions, and voice messaging transactions, and means for providing user access to the network. The network includes means for receiving personal information about the user, for creating an identification number for the user, and for creating a PIN number for the user. The PIN number creating means comprises means for selecting a plurality of digits to act as a first segment of the PIN number and for selecting at least one additional digit to act as a security segment of the PIN number so that use of the security segment by the user triggers an alarm activation mechanism in the system.

With regard to the rejection of claims 8, 15, 34, 35, and 42 - 64 on grounds of indefiniteness, the rejection is without merit and should be withdrawn. The legal standard for definiteness is whether a claim reasonably apprises those of skill in the art of its scope. See *Amgen Inc. v. Chugai Pharmaceutical Co., Ltd.*, 927 F.2d 1200, 1217, 18 USPQ2d 1016, 1030 (Fed. Cir.), cert. denied, *Genetics Inst. Inc. v. Amgen, Inc.*, 112 S.Ct. 169 (1991); also see *In re Johnson*, 558 F.2d 1008, 1015, 194 USPQ 187, 193 (CCPA 1977). The law of

indefiniteness does not require that claims set forth specific metes and bounds. The only requirement is that when the claims are read in light of the specification, one of ordinary skill in the art understands the scope of the claims. With regard to claim 8, the issue of indefiniteness raised by the Examiner is wrong. The claim must be read as a whole. Applicant is not claiming any adverse condition. Rather, Applicant is claiming "an adverse condition which involves potential bodily harm." The Examiner has not explained why one of ordinary skill in the art would not understand the scope presented by this terminology.

With regard to claim 15, again the Examiner needs to read the claim as it is written and not cherry pick the wording. The claim clearly says "entering said user's PIN number including said at least one security segment digital number using said communication device to indicate that said withdrawal is being made under duress." This claim language does not require one to understand what a condition "under duress is". It merely says that one is using the security segment digital number to indicate that a withdrawal is being made under duress. The Examiner has not indicated why one of ordinary skill in the art would not understand this limitation. As to the contention that the term "under duress" may have legal meaning that may vary over time depending on changes in rule and/or law, the contention is without merit. The claim limitation needs to be read in its entirety.

With regard to the objection to claim 34, there is no confusion concerning the recitation of "electronic box." All one has to do to understand this term is read the specification. 35 U.S.C. 112, second paragraph requires nothing more.

With regard to the objection to claim 35, the phrase is "monitoring the personal safety of said user". The objection

does not explain why one of ordinary skill in the art, having read the specification, would not understand the meaning of the phrase in its entirety. The issue of "what is considered personal safety to one may not be considered personal safety to another" is irrelevant to the inquiry about claim definiteness. The issue is whether one of ordinary skill in the art would understand that the claim calls for a monitoring step.

With regard to claim 61, the claim calls for "means for monitoring the well being of a user." The objection raised by the Examiner does not explain why one of ordinary skill in the art, having read the specification, would not understand whether a monitoring means falls within the scope of the claim.

As for the objection to claims 42 - 64, the second paragraph of 35 U.S.C. 112, second paragraph does not require an applicant to indicate on the record what statutory class of invention the system belongs to. The elements set forth in the claim define the elements of the system. Nothing more is required by 35 U.S.C. 112, second paragraph. If the Examiner is going to maintain this portion of the rejection, he is hereby requested to cite legal precedent for his position.

For these reasons, the rejection of claims 8, 15, 34, 35, and 42 - 64 on indefiniteness grounds should be withdrawn.

With regard to the rejection of claims 1- 16, 23 - 25, and 35 - 41 under 35 U.S.C. 101, this rejection is also without merit. A technological basis is set forth in claim 1. In particular, claim 1 calls for the step of "providing a system for performing said personal transactions". Thus, the claim is tied to technological equipment and is therefore distinguishable over the situation in the *Bowman* case. In *Bowman*, the issue was that the method could be performed by a combination of mental steps and manual activity. In the instant case, one can not

provide a system for performing personal transactions which is merely a combination of mental and/or manual activities. It requires the provision of equipment. Further, one can not perform the step of using a telephone to access said system set forth in claim 5 without a telephone which is technological equipment. Similarly, one can not perform steps such as those set forth in claims 6, 10 - 16, 23 - 25, and 34 - 41 without using the technological equipment set forth in the claims. In other words, none of the method steps set forth in these claims could be performed mentally and/or manually. The rejection sets forth no basis for the Examiner's contention that the rejected claims do not set forth a technological basis and/or technological equipment. For these reasons, the Examiner is hereby requested to withdraw the rejection under 35 U.S.C. 101.

With regard to the rejection of claims 1 - 17, 21, 22, 35, 36, 42 - 45, and 61 on obviousness grounds over Hoffman et al. in view of Zingher et al., this rejection has been obviated by the amendments to the claims. Claim 1 has been amended to include the subject matter of claim 8. It is submitted that neither Hoffman et al. nor Zingher et al. teach or suggest the step of

"said PIN number creating step further comprising selecting at least two digits for said security segment wherein a first one of said security segment digits signifies an adverse condition when utilized by said user and a second one of the security segment digits signifies an adverse condition which involves potential bodily harm to the user when utilized by the user."

Clearly, the Hoffman et al. patent does not teach this step. The Zingher et al. patent teaches the creation of a personal distress number (PDN) which is similar in concept to the security segment employed by Applicant. The Zingher et al. patent is different however in that the PDN is not part of the PIN number. Further, Zingher does not teach or suggest using a first digit for signifying an adverse condition and a second digit for signifying an adverse condition which involves potential bodily harm. Thus, even if Zingher et al. is combined with Hoffman et al., the two references do not teach or suggest the subject matter of amended claim 1. Claims 2 - 7 are allowable for the same reasons that claim 1 is allowable as well as on their own accord.

Claims 9 - 41 have been amended to depend directly or indirectly from new claim 122. It is submitted that new claim 122 is allowable over the combination of Hoffman et al. and Zingher et al. In particular, neither of these references teaches or suggests the system providing step, and/or the registration procedure initiating step including the prompting steps set forth in claim 122.

Claims 9 - 41 are allowable for the same reasons that claim 122 is allowable as well as on their own accord. The Rogers et al. and Franklin et al. references relied upon by the Examiner to reject certain ones of these claims do not cure the aforementioned deficiencies of the Hoffman et al. and Zingher et al. references.

Claim 42 is allowable because neither of the cited and applied references teaches or suggests

"a center for performing personal transactions
including financial transactions, e-mail transactions, and

voice messaging transactions, said center including a local area computer network having means for carrying out said financial transactions, said e-mail transactions, and said voice messaging transactions, a voice response unit connected to said local area network, and a telephone communication system."

Claims 43 - 45 and 61 are allowable for the same reasons as claim 42 as well as on their own accord.

With regard to the rejection of claims 46 - 60 and 62 - 64, these claims are allowable for the same reasons as claim 42 as well as on their own accord. The Rogers et al. patent does not cure the aforementioned deficiencies of the Hoffman et al. and Zingher et al. references.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

A request for a one (1) month extension of time is enclosed herewith. A check in the amount of \$60.00 is enclosed herewith to cover the cost of the extension of time fee.

Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

Raanan Liebermann

By 

Barry L. Kelmachter
BACHMAN & LaPOINTE, P.C.
Reg. No. 29,999
Attorney for Applicant

Telephone: (203) 777-6628 ext. 112
Telefax: (203) 865-0297
Email: docket@bachlap.com

Date: January 3, 2005

I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on January 3, 2005.

